

Message Text

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PAGE 01 USUN N 04287 222021Z

64

ACTION L-02

INFO OCT-01 EUR-08 IO-04 ISO-00 OIC-01 AF-04 ARA-06 EA-06

NEA-06 RSC-01 CIAE-00 DODE-00 PM-03 H-01 INR-05

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TO SECSTATE WASHDC PRIORITY 6614

INFO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: UNGA, PFOR, PLOS

SUBJ: UNGAL LEGAL COMITE: DEFINITION OF AGGRESSION

1. BROMS (FINLAND), FORMER CHAIRMAN OF SPECIAL COMITE ON QUESTION OF DEFINING AGGRESSION, CONVENED LATE P.M. MEETING OCT 21 TO DISCUSS CONCLUSION OF AGGRESSION ITEM. BROMS INVITED FORMER MEMBERS OF SPECIAL COMITE, HOPING HE COULD DEVELOP CONSENSUS APPROACH OF SUCH MORE FULLY INFORMED PARTICIPANTS WHICH COULD THEN BE PRESENTED FOR CONSENSUS ADOPTION BY LEGAL COMITE.

2. BROMS BEGAN MEETING BY RELATING CONCLUSIONS OF CONVERSATIONS HE HAD HAD WITH PERU, APPARENTLY MOST INSISTENT QUESTIONER OF ARTICLE 3(D). PERU PREFERRED TO HAVE CLARIFICATION OF ARTICLE 3(D) APPEAR AS FOOTNOTE IN TEXT, BUT WOULD BE WILLING TO CONSIDER INCLUSION OF UNDERSTANDING IN LEGAL COMITE REPORT ON ITEM.

3. BROMS STATED HE HAD SUGGESTED FOLLOWING UNDERSTANDING TO PERU, WHICH HE WAS ALSO PRESENTING PRESENT MEETING FOR ANY COMMENTS:

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PAGE 02 USUN N 04287 222021Z

"NOTING IN THIS DEFINITION, AND IN PARTICULAR ARTICLE 3(D), SHALL BE CONSTRUED AS IN ANY WAY PREJUDICING OR DIMINISHING THE AUTHORITY OF A COASTAL STATE TO EXERCISE ITS RIGHTS WITHIN THE LIMITS OF ITS NATIONAL JURISDICTION."

4. BROMS RELATED THAT PERU STATED IT WOULD CONSIDER TEXT, AND PERU'S PRELIMINARY VIEW WAS TO SUGGEST INSERTION OF "IN MARITIME ZONES" AFTER "RIGHTS", AND TO PROPOSE THIS UNDERSTANDING BE INCLUDED IN TEXT OF DEFINITION, RATHER THAN REPORT OF LEGAL COMMITTEE. BROMS ADVISED PERU OF DIFFICULTIES THIS WOULD CAUSE.

5. BROMS ALSO PRESENTED TO MEETING DRAFT RESOLUTION SET OUT BELOW BY WHICH LEGAL COMMITTEE WOULD ADOPT DEFINITION OF AGGRESSION (DEFINITION, AS CONTAINED SPECIAL COMMITTEE REPORT, A9619, WOULD BE ANNEX TO RESOLUTION).

6. IN ENSUING DISCUSSION DELOFF QUERIED NECESSITY OF ANY REFERENCE IN REPORT TO PARA 3(D) AND QUERIED NECESSITY OF LEAVING ANY RESOLUTION TO ADOPT AGGRESSION DEFINITION.

COMMENT: RES TECHNICALLY UNNECESSARY BUT THERE IS WIDESPREAD DESIRE HAVE RES AND IF UNOBJECTIONABLE ONE CAN BE PRODUCED WE SEE NO REASON NOT TO GO ALONG. END COMMENT.

7. YUGOSLAVIA AND COLOMBIA COMMENTED THAT OPERATIVE PARA 4 WAS TOO WEAK AND KOLESNIK SAID THERE SHOULD BE REQUEST FOR SPECIFIC ACTION BY SC. FREELAND (UK) AND DELOFF SUGGESTED THAT PARA WAS UNNECESSARY EVEN IF WE WERE TO HAVE A RESOLUTION.

8. DELOFF SUGGESTED PARA 3 MIGHT BETTER READ "CALLS UPON ALL STATES TO REFRAIN FROM ALL ACTS OF AGGRESSION AND OTHER USES OF FORCE CONTRARY TO THE CHARTER OF THE UN. GHANA DEL EXPRESSED PREFERENCE FOR BROMS VERSION PARA 3 SINCE "MEANING OF TERM FORCE IS AMBIGUOUS."

9. AT END OF MEETING BROMS URGED ALL MEMBERS SPECIAL COMMITTEE SEEK AUTHORITY CO-SPONSOR.
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PAGE 03 USUN N 04287 222021Z

10. TEXT OF BROMS DRAFT RESOLUTION REFERRED TO IN PARA 5 ABOVE IS AS FOLLOWS:

QTE

THE GENERAL ASSEMBLY

RECALLING ITS RESOLUTION 599 (VI) OF 31 JANUARY 1952,
688(VII) OF 20 DECEMBER 1953 AND 895(IX) OF 4 DECEMBER 1954,
IN WHICH IT AFFIRMED THAT CONTINUED AND JOINT EFFORTS SHOULD
BE MADE TO FORMULATE A GENERALLY ACCEPTABLE DEFINITION OF
AGGRESSION WITH A VIEW TO PROMOTING INTERNATIONAL PEACE AND
SECURITY AND TO DEVELOPING INTERNATIONAL,

RECALLING ALSO ITS RESOLUTIONS 2330 (XXII) OF 18 DECEMBER
1967, 2420(XXIII) OF 18 DECEMBER 1968, 2549(XXIV) OF
12 DECEMBER 1969, 2644(XXV) OF 25 NOVEMBER 1970,
2781, (XXVI) OF 3 DECEMBER 1971, 2967(XXVII) OF 14
DECEMBER 1972 AND 3105(XXVIII) OF 12 DECEMBER 1973, IN
WHICH IT REAFFIRMED THAT A DEFINITION OF AGGRESSION WOULD HAVE
CONSIDERABLE IMPORTANCE FOR THE MAINTENANCE OF INTERNATIONAL
PEACE AND FOR THE ADOPTION OF EFFECTIVE MEASURES UNDER
THE CHARTER OF THE UNITED NATIONS, FOR PREVENTING ACTS OF
AGGRESSION, AND FURTHER STRESSED THE DESIRABILITY OF ACHIEVING
THE DEFINITION OF AGGRESSION AS SOON AS POSSIBLE,

HAVING CONSIDERED THE REPORT OF THE SPECIAL COMMITTEE ON
THE QUESTION OF DEFINING AGGRESSION COVERING THE WORK OF
ITS SEVENTH SESSION HELD FROM 11 MARCH TO 12 APRIL 1974,
INCLUDING THE DRAFT DEFINITION OF AGGRESSION ADOPTED BY
THE SPECIAL COMMITTEE BY CONSENSUS AND RECOMMENDED FOR
ADOPTION BY THE GENERAL ASSEMBLY,

DEEPLY CONVINCED THAT THE ADOPTION OF THE DEFINITION OF
AGGRESSION WOULD CONTRIBUTE TO THE STRENGTHENING OF
INTERNATIONAL PEACE AND SECURITY AND TO THE DEVELOPMENT
OF INTERNATIONAL LAW,

1. APPROVES THE DEFINITION OF AGGRESSION, THE TEXT OF WHICH IS
ANNEXED TO THE PRESENT RESOLUTION;
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PAGE 04 USUN N 04287 222021Z

2. EXPRESSES ITS APPRECIATION TO THE SPECIAL COMMITTEE
ON THE QUESTION OF DEFINING AGGRESSION FOR ITS WORK RESULTING
IN THE ELABORATION OF THE DEFINITION OF AGGRESSION;

3. CALLS UPON ALL STATES TO REFRAIN, IN ACCORDANCE WITH THEIR
OBLIGATIONS UNDER THE CHARTER, IN THEIR INTERNATIONAL RELATIONS
FROM ACTS, WHICH CONSTITUTE ACTS OF AGGRESSION UNDER
THE DEFINITION;

4. RECOMMENDS THAT THE SECURITY COUNCIL SHOULD TAKE NOTE OF
THE DEFINITION OF AGGRESSION, AS SET OUT BELOW, AS GUIDANCE IN
DETERMINING THE EXISTENCE OF AN ACT OF AGGRESSION IN ACCORDANCE
WITH THE CHARTER OF THE UNITED NATIONS. UNQTE.
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